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**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

<b>MEETING DATE</b> September 12, 2005	<b>CONTACT/PHONE</b> James Lopes (805) 781-5975	<b>APPLICANT</b> David & Kathy O'Brien	<b>FILE NO.</b> SUB2004-00081 CO 04-307
<b>SUBJECT</b> Request by David and Kathy O'Brien for a tentative parcel map to subdivide an existing 1.8-acre site of two parcels into three parcels of 20,275, 20,000 and 38,230 square feet each for the purpose of sale and/or development. The project will result in the disturbance of approximately 11,000 square feet of a 1.8-acre site. The division will create one on-site road. The proposed road name is Saltin Drive. The proposed project is within the Residential Single Family land use category and is located at 980 West Centre Street in the community of Shandon. The site is in the Shandon/Carrizo Planning Area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Tentative Parcel Map CO 04-0307 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 16, 2005 for this project. Mitigation measures are proposed to address biological resources, hazardous materials, public services and recreation and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 017-292-023, 024	<b>SUPERVISOR DISTRICT(S)</b> <b>1</b>
<b>PLANNING AREA STANDARDS:</b> None applicable			
<b>ORDINANCE STANDARDS:</b> Real Property Division Ordinance Section 21.03.020a.1 – Landscaping (street trees)			
<b>EXISTING USES:</b> Single family residence			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/Grazing <i>East:</i> Residential Single Family/Single family dwelling <i>South:</i> Residential Single Family/Single family dwelling <i>West:</i> Agriculture/Primary dwelling			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Shandon Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, APCD, Department of Fish and Game, Cal Trans	
TOPOGRAPHY: Nearly level	VEGETATION: Domestic tree; grasses
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire	ACCEPTANCE DATE: October 21, 2004

#### ORDINANCE COMPLIANCE:

The proposed subdivision would create two parcels for single family dwellings behind an existing house on the south side of Highway 41/Centre Street at the west end of Shandon. The proposed parcels are larger than the minimum 20,000 square feet required due to the lack of a community sewer system and the site location on an arterial road. The applicants do not envision further divisions due to the location, and street extensions through the site are not planned by county Public Works Department; however, the parcel configuration would allow driveway extensions to additional parcels in the rear if future subdivisions are proposed (if connected to a future sewer system).

#### *Minimum Parcel Size*

Section 22.22.080 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 20,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on an arterial road (Highway 41/Centre Street)	20,000 square feet
Slope	Average slope is between 0 and 15%	6,000 square feet
Water Supply and Sewage Disposal	Community Water On-site septic	20,000 square feet

#### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

#### *Affordable Housing Fees*

County Ordinance 2529 establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

*Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance. The parcels are configured to provide for the extension of private driveway easements to additional parcels if further subdivision is considered in the future. Street trees are required along the Highway 41 frontage, and a condition is proposed to provide them.

*Road Improvements*

This application was reviewed in detail by both Public Works and Planning and Building relative to access and circulation requirements for the area. This is in response to the potential for further divisions and development in the site vicinity. As a result of this review, road improvements are recommended as a means of providing appropriate access and circulation for this area.

COMMUNITY ADVISORY GROUP COMMENTS: No Comments

AGENCY REVIEW:

*Public Works* - Stock requirements for reserving private easements, drainage calculations, NPDES storm water compliance and underground utilities.

*Environmental Health* – Soil test completed which demonstrated a five minutes-per-inch rate of percolation, considered adequate. Removal of a 50-gallon oil drum and clean up of minor spill – completed

*Ag Commissioner* – Agriculture buffer not required due to neighboring residential development on Agriculture category property.

*County Parks* – Quimby fees required

*CDF* – Moderate fire severity zone noted; minimum dimensions for access roads and connection to a community water system required.

*APCD* – Construction phase dust control measures, hazardous air pollutants controls, notice of limitations on developmental burning, and approval of wood burning devices required.

*Department of Fish and Game* – San Joaquin kit fox habitat area noted; mitigation ratio of 4:1 established for the loss of 0.36 acres of habitat

*Cal Trans* – Encroachment permit required

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map, Tract 1639 at a time when that was a legal method of creating lots.

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## FINDINGS - EXHIBIT A

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 16, 2005 for this project. Mitigation measures are proposed to address biological resources, hazardous materials, public services and recreation and are included as conditions of approval.

### *Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinances and conditions of approval, and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single family residences.
- F. The site is physically suitable for the proposed density of the development because the site can adequately support a primary and secondary dwelling.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is situated in a generally developed urban area, and conditions of approval will require the mitigation of loss of identified kit fox habitat and activities and controls during construction phases to avoid the loss of kit fox.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

**EXHIBIT B****CONDITIONS OF APPROVAL FOR O'BRIEN PARCEL MAP CO 04-0307****Approved Project**

1. Request by David and Kathy O'Brien for a tentative parcel map to subdivide an existing 1.8-acre site of two parcels into three parcels of 20,275, 20,000 and 38,230 square feet each for the purpose of sale and/or development. The project will result in the disturbance of approximately 11,000 square feet of a 1.8-acre site

**Access and Improvements**

2. A private easement shall be reserved on the map for access to lots 2 and 3.
3. **Before recordation of the final map**, obtain an encroachment permit from the California Department of Transportation (Caltrans) for driveway and any other required road improvements within the Highway 41 right-of-way, and provide a letter from the Caltrans Department Permits Office that improvements were completed to department standards.

**Improvement Plans**

4. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

**Drainage**

5. Submit complete drainage calculations to the Department of Public Works for review and approval.
6. If calculations so indicate, drainage must be detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
7. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
8. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

**Wastewater Disposal**

9. Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable

strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system.

### **Utilities**

10. Electric and telephone lines shall be installed underground.
11. Gas lines shall be installed.

### **Design**

12. Street trees shall be planted before final inspection of improvements in accordance with Real Property Division Ordinance Section 21.03.020a.1 – Landscaping (street trees), with a minimum size of 15-gallon container, to be located within 10 feet of the right-of-way.
13. The applicant shall apply to the Department of Planning and Building for approval of the proposed street names of Saltin Drive prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

### **Fire Protection**

14. The applicant shall comply with the fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

### **Parks and Recreation (Quimby) Fees**

15. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

### **Affordable Housing Fee**

16. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

### **Landscape Plans**

17. If a **drainage basin** is required, then submit detailed landscaping plans in compliance with Chapter 22.16 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:

residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

### **Landscape Plans**

**18. If a drainage basin** is required, then submit detailed landscaping plans in compliance with Chapter 22.16 ~~Section 23.04.180 et seq.~~ to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:

- a. Drainage basin fencing if the basin has a depth of 2 feet or greater as measured from the top of the rim to the lowest portion of the basin.
- b. Drainage basin perimeter landscape screening if a fenced basin is required.
- c. Landscaping for erosion control.

**19.** All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 90 days of completion of the improvements.

### **Hazards / Hazardous Materials**

**20. Prior to recording the subdivision map,** provide evidence to the county Environmental Health Division and the Department of Planning and Building that the cited petroleum container and soil contamination has been removed from the site and disposed of according to regulations available from the Environmental Health Division.

### **Additional Map Sheet**

**21.** The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- b. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- c. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  - 1) Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
  - 2) In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

### **d. Biological Resources**

## San Joaquin Kit Fox

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as of 4:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of four acres of habitat. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near



future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

- (1) **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - (a) Potential kit fox den: 50 feet
  - (b) Known kit fox den: 100 feet
  - (c) Kit fox pupping den: 150 feet
- (2) All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- (3) If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar

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**BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

**BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

**BR-9 Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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### **Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029

### **Covenants, Conditions and Restrictions**

21. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. Maintenance of all local streets within the subdivision until acceptance by a public agency.
  - b. On-going maintenance of the drainage basin / adjacent landscaping/fencing, if required, in a viable condition on a continuing basis into perpetuity.

### **Miscellaneous**

22. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
23. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
24. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

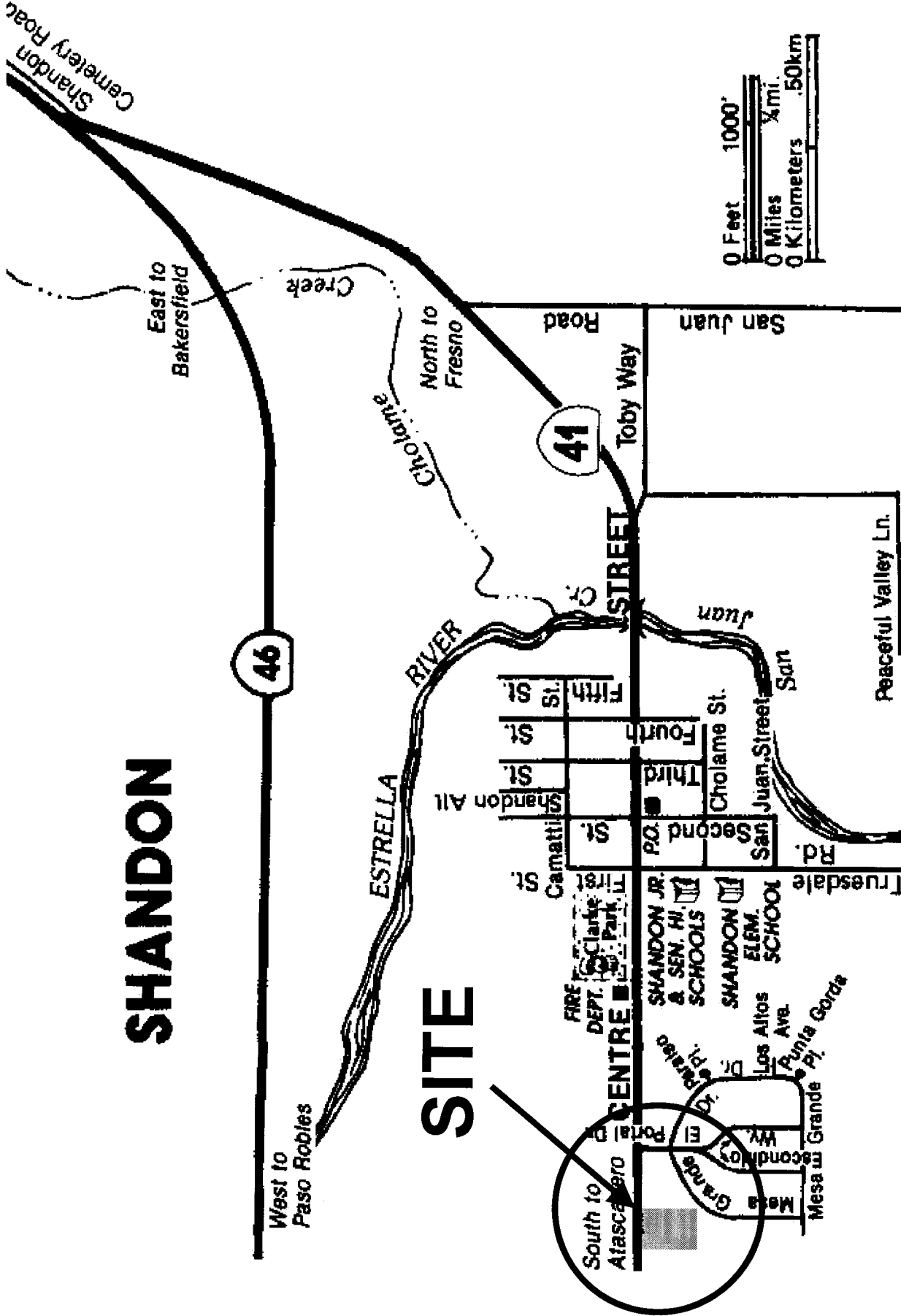
Standard Conditions  
Community Water and Sewer  
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12. Prior to submission of the map “checkprints” to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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# SHANDON

## SITE



PROJECT

Parcel Map

O'Brien SUB2004-00081

EXHIBIT



Vicinity Map



## Land Use Category Map



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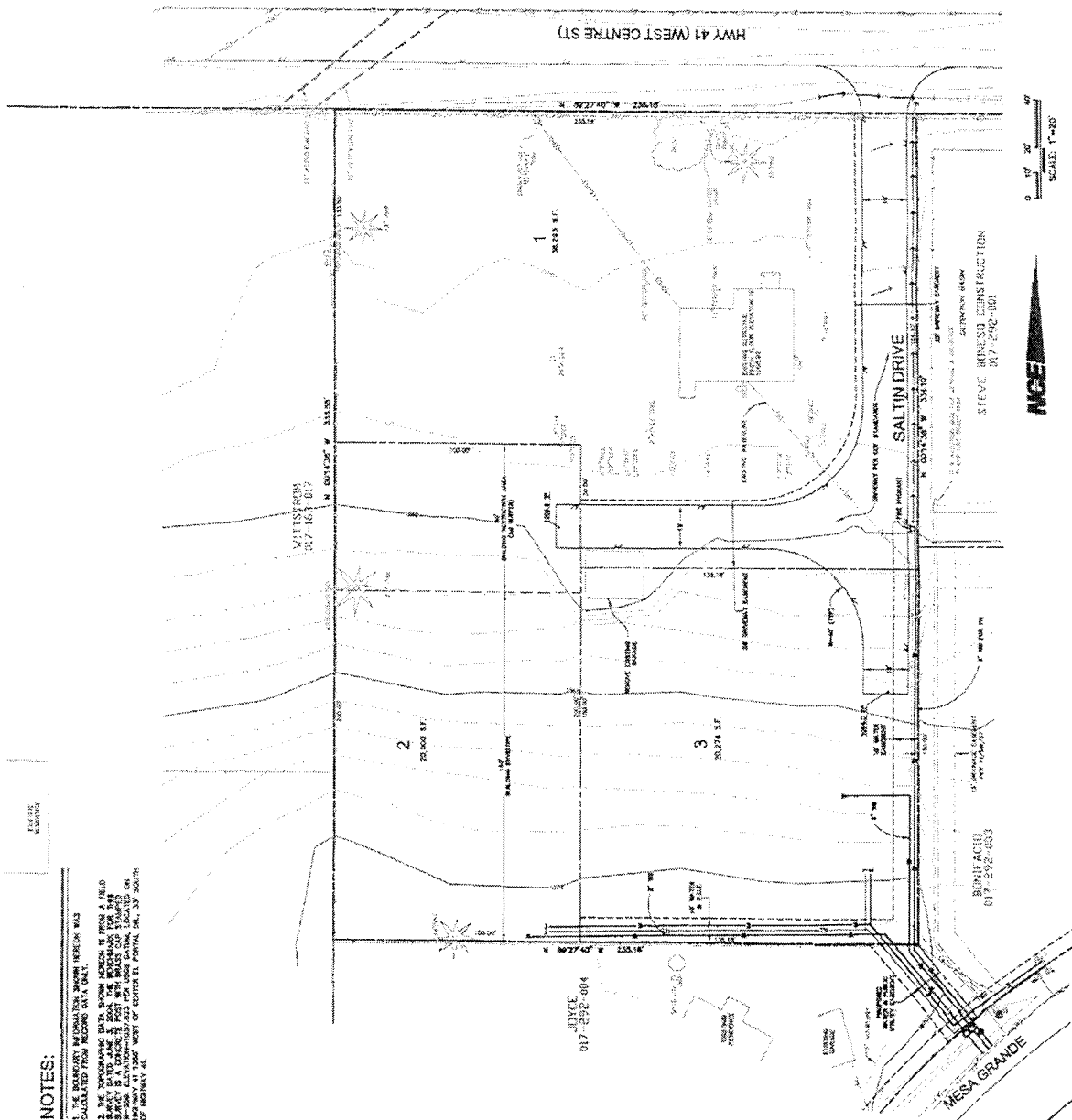
1. THE BOUNDARY INFORMATION SHOWN HEREIN WAS CALCULATED FROM RECORD DATA ONLY.
2. THE PHOTOGRAPHIC DATA SHOWN HEREON IS FROM A FIELD SURVEY DATED JUNE 15, 2004. THE MONUMENTS FOR THE SURVEY IS A CONCRETE POST WITH BRASS CAP STAMPED ON THE TOP. THE MONUMENTS ARE LOCATED ON THE CORNER OF THE LOT. THE MONUMENTS ARE LOCATED ON THE CORNER OF THE LOT. THE MONUMENTS ARE LOCATED ON THE CORNER OF THE LOT.

slots

THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATIONS  
215 FIFTH AVENUE  
NEW YORK 10010

PRELIMINARY SITE, GRADING &  
UTILITY PLAN  
AND  
TENTATIVE PARCEL MAP  
CO 04-0307

IN UNINCORPORATED TERRITORY OF THE COUNTY  
OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
BEING A LOT LINE ADJUSTMENT OF A PORTION OF  
SECTION 20, T. 26 S., R. 15 E., M.D.M., AS SHOWN  
ON 16/AIB/57.



O'Brien SUB2004-00081

# EXHIBIT

## Parcel Map



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**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (JL)

**ENVIRONMENTAL DETERMINATION NO. ED04-209**

**DATE: June 16, 2005**

**PROJECT/ENTITLEMENT:** O'Brien Parcel Map SUB2004-00081/CO04-0307

**APPLICANT NAME:** David and Kathy O'Brien

**ADDRESS:** PO Box 484, Shandon, CA 93461

**CONTACT PERSON:** Larry Werner, North Coast Engineering, Inc.

**Telephone:** 805.239.3187

**PROPOSED USES/INTENT:** Request by David and Kathy O'Brien to subdivide two parcels totaling approximately 1.8-acres into three parcels of 20, 275, 20,000 and 38,230 square feet each for the purpose of sale and/or development, and creation of one on-side drive, which will result in the disturbance of approximately 11,000 square feet.

**LOCATION:** The proposed project is within the Residential Single Family land use category, and is located at 980 West Centre Street (Highway 41), approximately 400 feet west of El Portal Drive in the community of Shandon. The site is in the Shandon/Carrizo Planning Area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
 County Government Center, Rm. 310  
 San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** Caltrans

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on June 30, 2005**

**20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No. \_\_\_\_\_**

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*

☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

<b>Signature</b>	<b>Project Manager Name</b>	<b>Date</b>	<b>Public Agency</b>
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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** O'Brien Parcel Map      ED04-209; SUB2004-00081 CO04-0307

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Geology and Soils                      | <input checked="" type="checkbox"/> Recreation       |
| <input type="checkbox"/> Agricultural Resources          | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation. |
| <input type="checkbox"/> Air Quality                     | <input type="checkbox"/> Noise                                  | <input type="checkbox"/> Wastewater                  |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing                     | <input type="checkbox"/> Water                       |
| <input type="checkbox"/> Cultural Resources              | <input checked="" type="checkbox"/> Public Services/Utilities   | <input type="checkbox"/> Land Use                    |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

James Lopes      James Lopez      6-15-05  
Prepared by (Print)      Signature      Date

Steven McManis      Ellen Carroll      6-15-05  
Reviewed by (Print)      Signature      (for)      Environmental Coordinator      Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Proposal by David and Kathy O'Brien for a Tentative Parcel Map to allow for the subdivision of a 1.78 acre site into three parcels of approximately 20,275, 20,000 and 38,230 square feet, to enable the development of two additional single family residences. The project will result in the disturbance of approximately 11,000 square feet and create an on-site drive. The project is located on the south side of Highway 41 - Centre Street, approximately 400 feet west of El Portal Drive, within the community of Shandon, in the Shandon-Carrizo planning area.

ASSESSOR PARCEL NUMBER(S): 017-292-023 & 024

SUPERVISORIAL DISTRICT # 1

**B. EXISTING SETTING**

PLANNING AREA: Shandon/Carrizo, Shandon

LAND USE CATEGORY: Residential Single Family

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

PARCEL SIZE: 78,490 +/- square feet

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; Grazing	<i>East:</i> Agriculture; agricultural uses
<i>South:</i> Residential Single Family; residential	<i>West:</i> Residential Single Family; residential

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will enable the development of two residences in addition to an existing house on the north side of Highway 41. The site is surrounded by houses and does not have any scenic backdrops or features.

**Impact.** No significant visual impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

2. <b>AGRICULTURAL RESOURCES - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Setting.** The soil types include: (inland) Arbuckle-San Ysidro complex (2-9%)  
Arbuckle fine sandy loam (2-9%)

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "IV" , and the "irrigated soil class is "II".

The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity.

**Impact.** The Department of Agriculture wrote comments in a letter dated October 21, 2004, attached, which identified less than significant impacts to agricultural resources.

**Mitigation/Conclusion.** No mitigation measures are necessary.

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District has developed the CEQA Air quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. A Clean Air Plan has been adopted (prepared by APCD) to evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels. San Luis Obispo County is designated by the State Air Resources Board as a non-attainment area for exceeding the state's air quality standards for dust (small particulate matter of PM10).

**Impact.** As proposed, the project will result in the disturbance of approximately 0.09 acres or 39,204 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will operate with less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur from construction or operation. However, the Air Pollution Control District commented on the project in a letter dated October 8, 2004 (attached) that construction activities could generate fugitive dust that could be nuisance to local

residents in close proximity to proposed construction. Also, the use of wood-burning stoves/fireplaces would need to comply with District Rule 504, requiring EPA-certified Phase II Wood burning devices.

**Mitigation/Conclusion.** No mitigation measures are necessary. The district's letter is information to the applicant regarding district rules for construction and burning.

**4. BIOLOGICAL RESOURCES -**  
***Will the project:***

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b><i>Result in a loss of unique or special status species or their habitats?</i></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Reduce the extent, diversity or quality of native or other important vegetation?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Impact wetland or riparian habitat?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <b><i>Other</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Vegetation on the site consists mostly of grasses and domestic trees. No habitats were observed at the proposed project. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified to be known within the general area:

Plants: None

Wildlife: Southwestern Pond Turtle (*Clemmys Marmorata Pallida*) and San Joaquin Kit Fox (*Vulpes Macrotis Mutica*) with a mitigation ratio of 3:1. Located within .50 miles east are Prairie Falcon (*Falco Mexicanus*).

Habitats: Redlegged Frog Habitat

**Impact.** The project site contains suitable habitat for San Joaquin kit fox dens and foraging, and the consulting biologist estimated that 0.09 acres of the 1.8 site would be converted to development of driveways and structures after approval of the proposed subdivision (Mike McGovern; January 31, 2005).

**Mitigation/Conclusion.** Based on the results of the Kit Fox Habitat Evaluation prepared by the applicant's biologist, the standard mitigation ratio of 4:1 for projects on parcels less than 40 acres would apply to the proposed project. This means that all impacts to kit fox habitat must be mitigated at a ratio of 4 acres conserved for each acre impacted. In addition, standard mitigation measures would be required during construction, including implementation of pre-construction surveys for sensitive species, and cautionary measures. With 0.09 acre identified as potentially disturbed habitat, mitigation would be necessary for 0.36 acres of Kit Fox habitat.

The applicant will be required to mitigate the loss of 0.36 acre of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

Implementation of the above measures will mitigate biological impacts to a level of insignificance.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash, Salinan and Yokut. . No historic structures are present and no paleontological resources are known to exist in the area.

**Impact.** The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## 6. GEOLOGY AND SOILS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high.

No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is outside/within the 100-year Flood Hazard designation. The closest creek (Estrella River) from the proposed development is approximately 0.60 miles to the north and an unnamed tributary is about 0.80 miles to the east. As described in the NRCS Soil Survey, the soil is considered moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff will have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** - The soil types include: (inland) Arbuckle fine sandy loam

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(2-9%) (% slope) Arbuckle-Positas complex (2-9%) (% slope)

As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility, and low shrink-swell characteristics.

**Impact.** As proposed, the project will result in the disturbance of approximately 0.09 acre or 3,920 square feet.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or code are needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** A vehicle shop building exists on the site that indicates that previous repair activity has occurred. A 50-gallon drum exists at the outside southwest corner of the building with visible evidence of petroleum contents and usage. Otherwise the project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within an Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan. The existing 50-gallon drum and its contents represent a potentially significant hazardous material impact if past leakage or spills occurred, or if future ones occur. The county Environmental Health Services Division inspected the site on April 15, 2005 and observed "an open and unlabeled 55-gallon drum of oil which has been contaminated with rainwater and has overflowed and impacted the surrounding soil in violation of California Health and safety Code sec. 25250.4." (Scott Milner, April 15, 2005)

**Mitigation/Conclusion.** The applicant has been directed to remove the 50-gallon drum and contaminated soil and dispose of it under regulations of the county Environmental Health Division. A mitigation measure is appropriate to provide evidence of a non-hazardous condition within and around the shop building before recording the proposed subdivision, to the satisfaction of Environmental Health Division.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is adjacent to Highway 41, an inter-regional arterial highway with a speed limit of 45 miles per hour at the site. The project will not conflict with any sensitive noise receptors (e.g., residences).

**Impact.** The existing and projected noise generated by Highway 41, which fronts the property, is less than the threshold of impact of 60 decibels. The project is not expected to generate loud noises nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**9. POPULATION/HOUSING -***Will the project:*Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablee) *Other* \_\_\_\_\_☐☐☐☐

**Setting.** The project will enable the construction of two additional single family residences in a Residential Single Family zone. In its efforts to provide for affordable housing, the county currently administers a Community Development Block Grant Program, which provides grants to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

**Impact.** The project will not create, or result in a need for, a significant amount of new housing and will not displace existing housing. It will utilize land that could potentially be used for affordable housing within the County Affordable Housing Program. Less than 15 percent of the county population can afford the median price of a single family residence; affordable housing is currently impacted.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

**10. PUBLIC SERVICES/UTILITIES -***Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablea) *Fire protection?*☐☒☐☐b) *Police protection (e.g., Sheriff, CHP)?*☐☒☐☐c) *Schools?*☐☒☐☐d) *Roads?*☐☐☒☐e) *Solid Wastes?*☐☐☒☐f) *Other public facilities?*☐☐☒☐g) *Other* \_\_\_\_\_☐☐☐☐

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is approximately 1 miles to the east. The closest Sheriff substation is in SLO County North Templeton, which is approximately 20 miles from the proposed project. The project is located in the Shandon Joint Unified School District.

Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address direct and cumulative impacts of public service and facility demands from

individual projects.

**Impact.** The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** The adopted public facility (county) and school (State Government Code 65995 et seq) fee program address the project's direct and cumulative impacts and will reduce the impacts to less than significant levels.

<b>11. RECREATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County Trails Plan does not show a potential trail through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource. Prior to map recordation, county ordinance requires the payment of a fee (Quimby Act) for the improvement or development of neighborhood or community parks associated with the scale of the project.

**Impact.** The proposed project will not create a significant need for additional park or recreational resources.

**Mitigation/Conclusion.** The "Quimby" fee will adequately mitigate the project's incremental impact on recreational facilities.

<b>12. TRANSPORTATION/ CIRCULATION - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 12. TRANSPORTATION/ CIRCULATION - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Future development will access onto Highway 41 (Centre Street), an inter-regional state highway, which is operating at acceptable levels of service.

**Impact.** Referrals were sent to county Public Works Department and Caltrans. No significant traffic-related concerns were identified. The proposed project is estimated to generate about 19 additional trips per day, based on the Institute of Traffic Engineer's manual of 9.57/unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety.

**Mitigation/Conclusion.** No significant traffic impacts were identified, and no mitigation measures are necessary.

## 13. WASTEWATER - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relate to slow percolation. These limitations are summarized as follows:

Slow percolation is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Central Coast Basin Plan

identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Basin Plan, a percolation report was prepared by the applicant's consultant, Mid-Coast Geotechnical, Inc. (April 29, 2004) attached, which indicated that the percolation rate is adequate for effluent disposal by the leach line method in the area tested.

**Impact.** The project proposes to use (an on-site system) as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system. Wastewater disposal would not cause a significant impact based on the data in the consultant's report.

**Mitigation/Conclusion.** County regulations require that the leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. As part of the building permit process, a new septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

<b>14. WATER - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to use community water supply from County Service Area #16 as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek from the proposed development is approximately .50 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

**Impact.** As proposed, the project will result in the disturbance of approximately 3,900 square feet and create two additional single family residences. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 2.36 acre feet/year (AFY)

$$10 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 10 lots) = 11.8 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

**Mitigation/Conclusion.** Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

<b>15. LAND USE - Will the project:</b>		<b>Inconsistent</b>	<b>Potentially Inconsistent</b>	<b>Consistent</b>	<b>Not Applicable</b>
<b>a)</b>	<b><i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>b)</b>	<b><i>Be potentially inconsistent with any habitat or community conservation plan?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>c)</b>	<b><i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>d)</b>	<b><i>Be potentially incompatible with surrounding land uses?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>e)</b>	<b><i>Other _____</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

<b>16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:</b>		<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
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- a) ***Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*** ☐ ☐ ☒ ☐
- b) ***Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)*** ☐ ☐ ☒ ☐
- c) ***Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*** ☐ ☐ ☒ ☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	<b>In File**</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>Attached</b>
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	<b>Attached</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>Attached</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Fish and Game	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Forestry	<b>Attached</b>
<input checked="" type="checkbox"/>	CA Department of Transportation	<b>In File**</b>
<input type="checkbox"/>	Community Service District	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Area Plan and Update EIR
<input checked="" type="checkbox"/> County documents	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<b><u>Other documents</u></b>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

**Kit Fox Habitat Evaluation Form, Mike McGovern, January 31, 2005**

**Percolation Data Report, Mid-Coast Geotechnical, Inc., April 29, 2004**

## Mitigation Summary Table

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

### **Biological Resources**

#### **San Joaquin Kit Fox**

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 4:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of four acres of habitat. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification

identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
- (1) **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrance.
    - (a) Potential kit fox den: 50 feet
    - (b) Known kit fox den: 100 feet
    - c) Kit fox pupping den: 150 feet
  - (2) All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
  - (3) If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 **Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5 **Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal

BR-9 **Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

### Contact Information

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

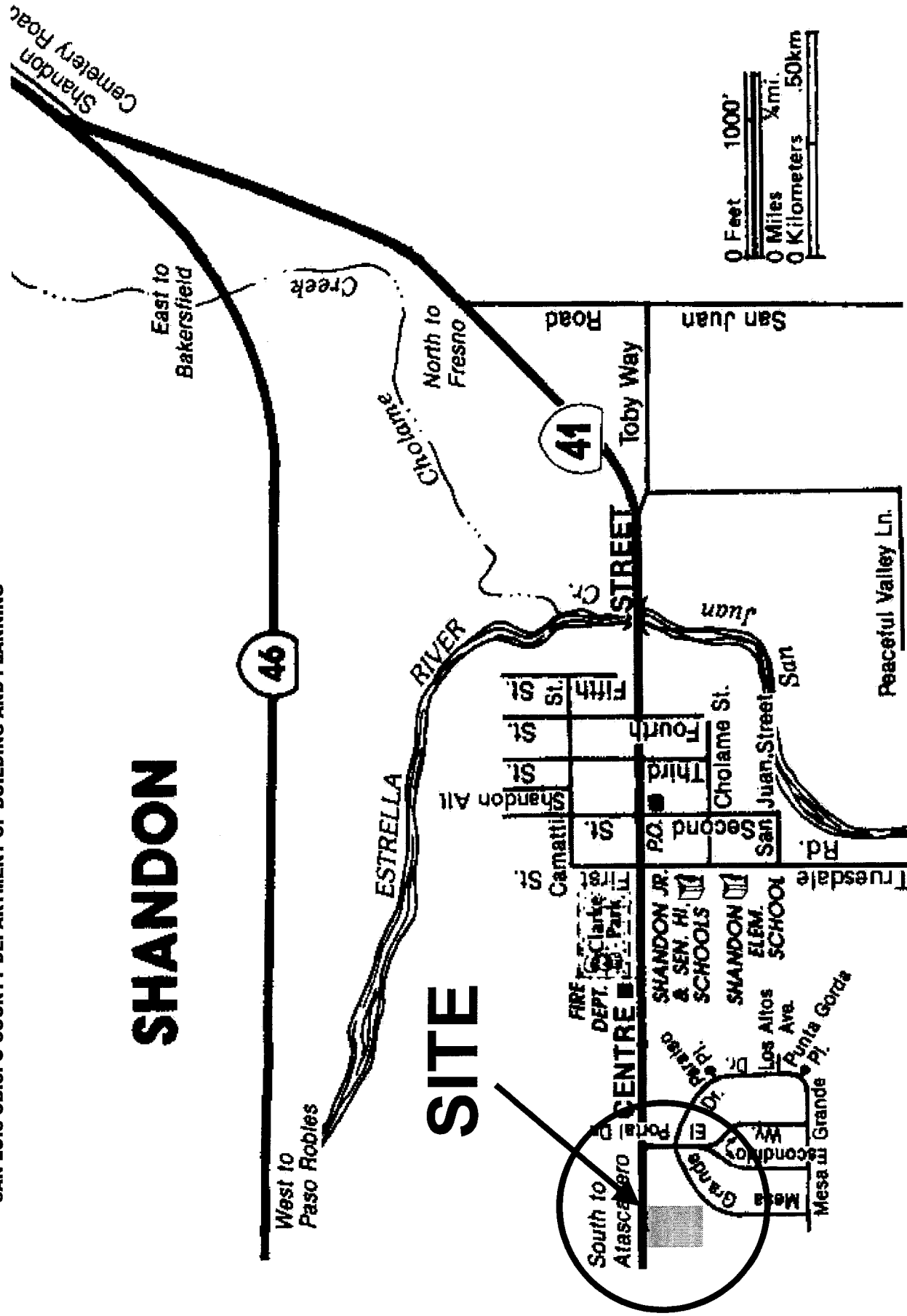
County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029



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# SHANDON

## SITE



PROJECT

Parcel Map

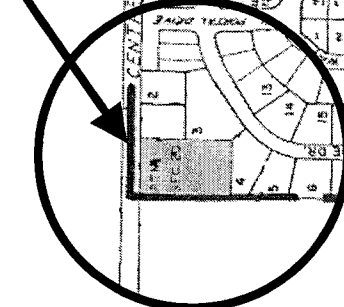
O'Brien SUB2004-00081

EXHIBIT

Vicinity Map



5-42



O'Brien SUB2004-00081

## Land Use Category Map



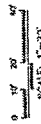
5-43

1. THE BACKGROUND INFORMATION SHOWN HEREIN WAS CALCULATED FROM RECORDS DATA ONLY.

FARRIS HILL, SIOE, L.C.  
017-163-074

[illegible]

IN UNINCORPORATED TERRITORY OF THE COUNTY  
OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
BEING A LOT LINE ADJUSTMENT OF A PORTION OF  
SECTION 20, T. 26 S., R. 15 E., M.D.M., AS SHOWN  
ON 16/AMB/37.



**PROJECT** Parcel Map  
O'Brien SUB2004-00081

# Parcel Map

5-44

RECEIVED

FEB 14 2005

## Kit Fox Habitat Evaluation Form

## Cover Sheet

SLO CO PLANNING &amp; BLDG.

Project Name DAVE O'BRIEN Date 1-31-05Project Location\* 980 W. CENTER ST. SHANDON, CA. 93461

\*{include project vicinity map and project boundary on copy of U.S.G.S. 75 minute map (size may be reduced)}

U.S.G.S. Quad Map Name SHANDON, CALat/Long or UTM coordinates (if available) 3848650 N 737000 EProject Description: lot split + potential development of  
2 homesProject Size: 1.78 Acres Amount of Kit Fox Habitat Affected: 0.09 Acres

Quantity of WHR Habitat Types Impacted (ie. -2 acres annual grassland, 3 acres blue oak woodland)

WHR type GRASSLAND 0.09 Acres

WHR type \_\_\_\_\_ Acres

WHR type \_\_\_\_\_ Acres

WHR type \_\_\_\_\_ Acres

Comments: As Presently proposed each home is to be about 1200 ft<sup>2</sup>  
plus a short drive at a maximum of 100 ft longForm Completed By: Mike McGovern

Revised 6/00

5-45

5. Amount of potential kit fox habitat affected

- A. > 320 acres (10)
- B. 160 - 319 acres (7)
- C. 80 - 159 acres (5)
- D. 40 - 79 acres (3)
- E. 1 - 40 acres (1)
- ☒ F. < 1 acre (0)

6. Results of project implementation.

- ☒ A. Project site will be permanently converted and will no longer support foxes (10)
- B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
- C. Project area will be temporarily impacted and no maintenance necessary (5)
- D. Project will result in changes to agricultural crops (2)
- E. No habitat impacts (0)

7. Project Shape

- ☒ A. Single block (10)
- B. Linear with >40 foot right-of-way (5)
- C. Linear with <40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?

- ☒ A. Yes (10)
- B. No (0)

**Scoring**

1. Recovery importance	<u>20</u>
2. Habitat condition	<u>15</u>
3. Isolation	<u>10</u>
4. Mortality	<u>5</u>
5. Quantity of habitat impacted	<u>0</u>
6. Project results	<u>10</u>
7. Project shape	<u>10</u>
8. Recent observations	<u>10</u>
<b>TOTAL</b>	<u>80</u>

5-46

## San Joaquin Kit Fox Habitat Evaluation Form

Is the project area within 10 miles of a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

**YES - Continue with evaluation form**

**NO - Evaluation form/surveys not necessary.**

1. Importance of the project area relative to *Recovery Plan for Upland Species of the San Joaquin Valley, California* (Williams et al., 1998).

- ☒ A. Project would block or degrade an existing corridor linking core populations or a core population to a subpopulation (20)
- B. Project is within core population (15)
- C. Project area is identified within satellite population (12)
- D. Project area is within a corridor linking satellite populations (10)
- E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of project area.

- ☒ A. Annual grassland or saltbush scrub present >50 % of site (15)
- B. Grassland or saltbush scrub present but comprises <50% of project area (10)
- C. Oak savannah present on >50 % of site (8)
- D. Fallow ag fields or grain/alfalfa crops (7)
- E. Orchards/vineyards (5)
- F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area.

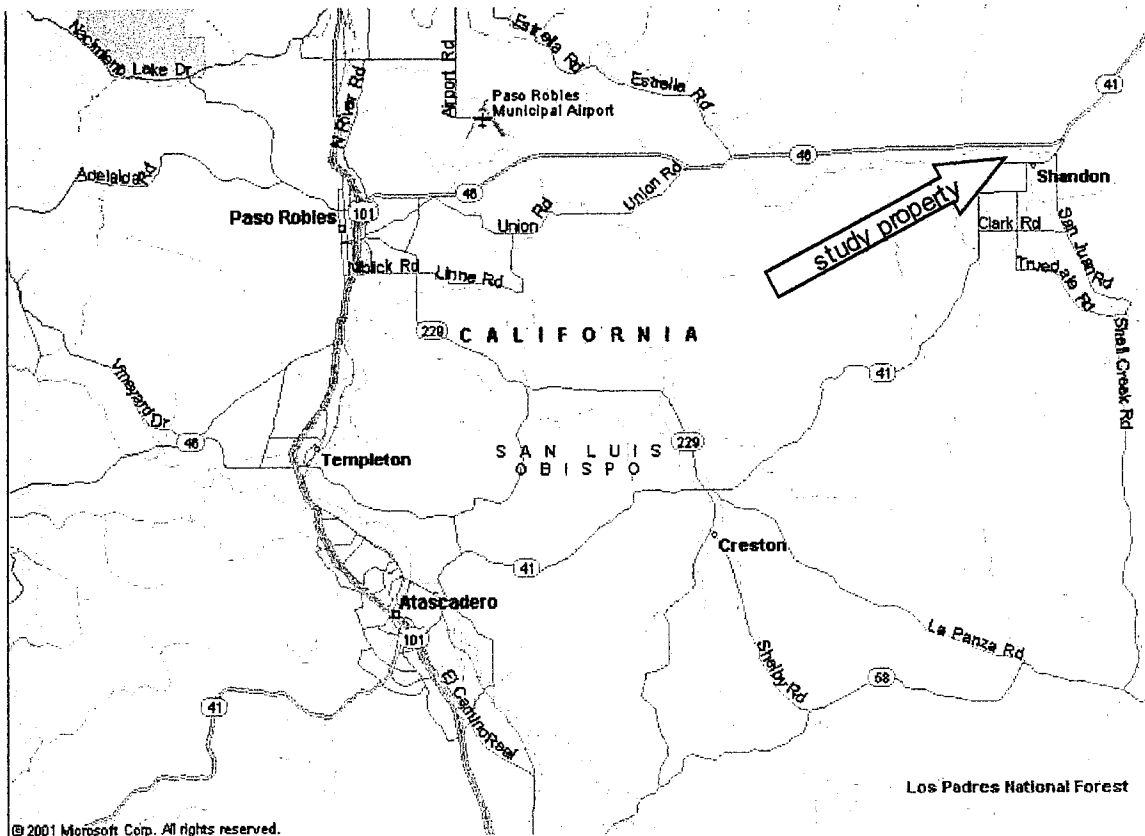
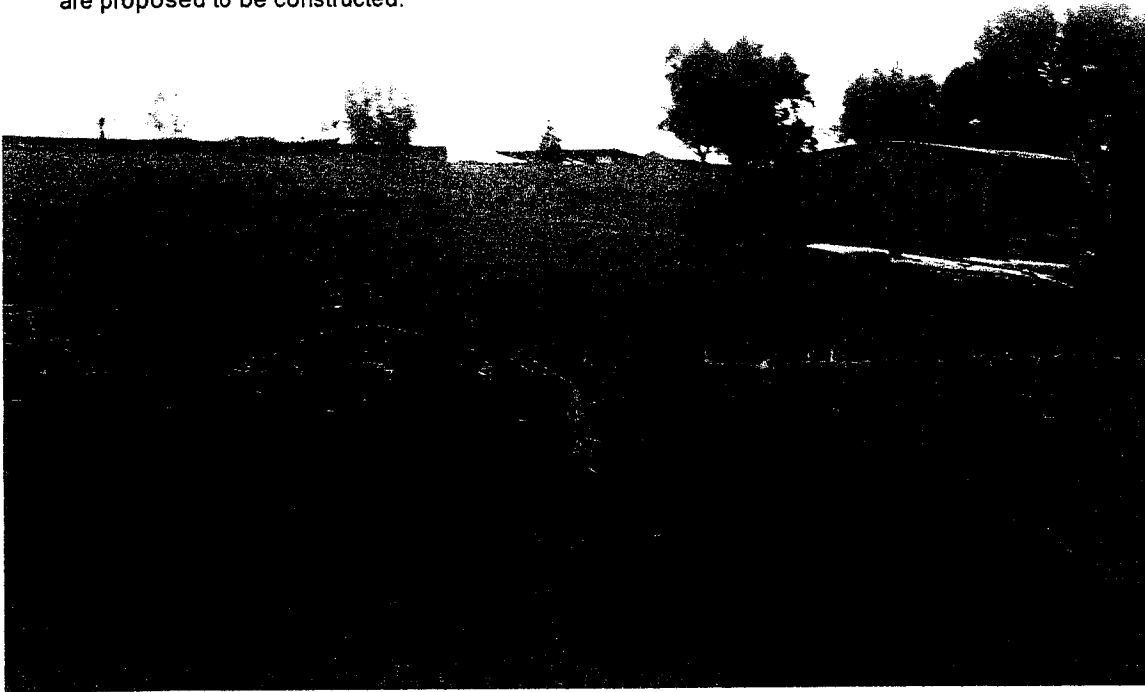
- A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
- ☒ B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)
- C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e.-river, canal, aqueduct) (7)
- D. Project area surrounded by ag but less than 200 yards from habitat (5)
- E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of project implementation. Mortality may come from direct (e.g. - construction related) or indirect (e.g. - vehicle strikes due to increases in post development traffic) sources.

- A. Increase mortality likely (10)
- ☒ B. Unknown mortality effects (5)
- C. No long term effect on mortality (0)

5-47

Grassland area where two homes are proposed to be constructed.



5-48



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 4-14-05

TO: Department of Fish and Game

O'Brien Parcel Map C004-0307

Project Name and Number

SUB 2004-00081

FROM: James Lopes

*Please respond to above*

Development Review Section (PHONE: 788-2352)

PROJECT DESCRIPTION: Subdivision of two parcels totaling 1.78  
acres into 3 parcels of 20,275, 20,000 and 38,230  
square feet, for the development of two residences  
in addition to one existing dwelling.

Return this letter with your comments attached no later than \_\_\_\_\_

**PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?**

☒ YES (Please go on to PART II.)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

**PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?**

☒ NO (Please go on to PART III.)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

**PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.** Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

Score ok. 4:1 mitigation ratio needed to  
offset habitat loss to kit foxes and other  
grassland species.

4-14-05  
Date

Robert Stafford  
Name

528-8670  
Phone



April 29, 2004  
File No. 04-5157  
Report No. 9982

Dave & Kathy O'Brien  
P.O. Box 484  
Shandon, CA 93461

**SUBJECT SITE:**    Proposed Single Family Residence, 980 West Centre Street,  
Shandon, California

**PERCOLATION DATA REPORT**

*Leach Line Method*

In response to your request and as required by the County of San Luis Obispo, we have explored the subsurface soils regarding the suitability for sewage effluent disposal by the leach line method. On April 23, 2004, percolation tests were performed in three auger borings extended to depths of 6.0 feet. The tests were performed in compliance with the current County of San Luis Obispo requirements for preparing and presaturating the soil in the test holes.

After the soils were saturated as prescribed, the average time for the water level to drop one inch was determined. The test results are summarized on the enclosures of this report. In addition to the percolation test borings, one exploratory boring was excavated to a depth of 16 feet below the existing surface. The materials encountered in the exploratory boring are described in detail on the enclosed boring log. Attached also is a sketch which shows the locations of the percolation tests and the exploratory boring.

During this investigation no groundwater or evidence of historical high groundwater was encountered.

5-50

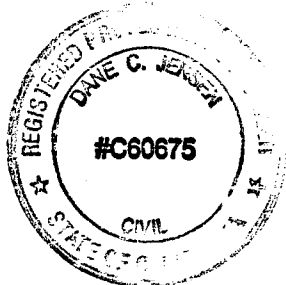
Dave &amp; Kathy O'Brien

File No. 04-5157 / Report No. 9982

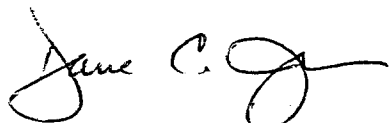
TEST NO.	DEPTH	PERCOLATION RATE
1	6.0'	5 Min / Inch
2	6.0'	6 Min / Inch
3	5.5'	5 Min / Inch

Based upon current County of San Luis Obispo Standards, the performance test rates are adequate for effluent disposal by the leach line method in the area tested. Additional information can be found at the San Luis Obispo County Department of Planning and Building or on the web at [www.sloplanning.org](http://www.sloplanning.org).

If we can be of further assistance to you in this matter, please do not hesitate to call.



Respectfully submitted,  
MID-COAST Geotechnical, Inc.

  
Dane C. Jensen, RCE C60675  
Expiration Date 12/31/2004

DCJ:gm

Dave & Kathy O'Brien(5)

# LOG OF BORING B-1

SHEET 1 of 1



1332 Vendels Circle - Suite #190 Paso Robles, Ca, 93447  
Telephone: 1-805-237-1462 Fax: 1-805-237-1483

CLIENT: Dave & Kathy O'Brien  
PROJECT: Proposed Single Family Residence  
LOCATION: 980 West Centre Street, Shandon, CA  
NUMBER: 04-5157

DATE(S) DRILLED: 4/23/2004 - 4/23/2004

DRILLING METHOD(S):  
B-24 Drill Rig, 6-inch Solid Flight Auger

GROUNDWATER INFORMATION:  
No ground water was encountered at time of drilling.

SURFACE ELEVATION:

DESCRIPTION OF STRATUM

Dark brown silty SAND, Loose, Damp

Brown silty SAND with Gravel, Medium Dense, Damp

Reddish brown silty SAND with Cobble, Medium Dense, Damp

Light brown silty SAND with Gravel, Dense, Humid

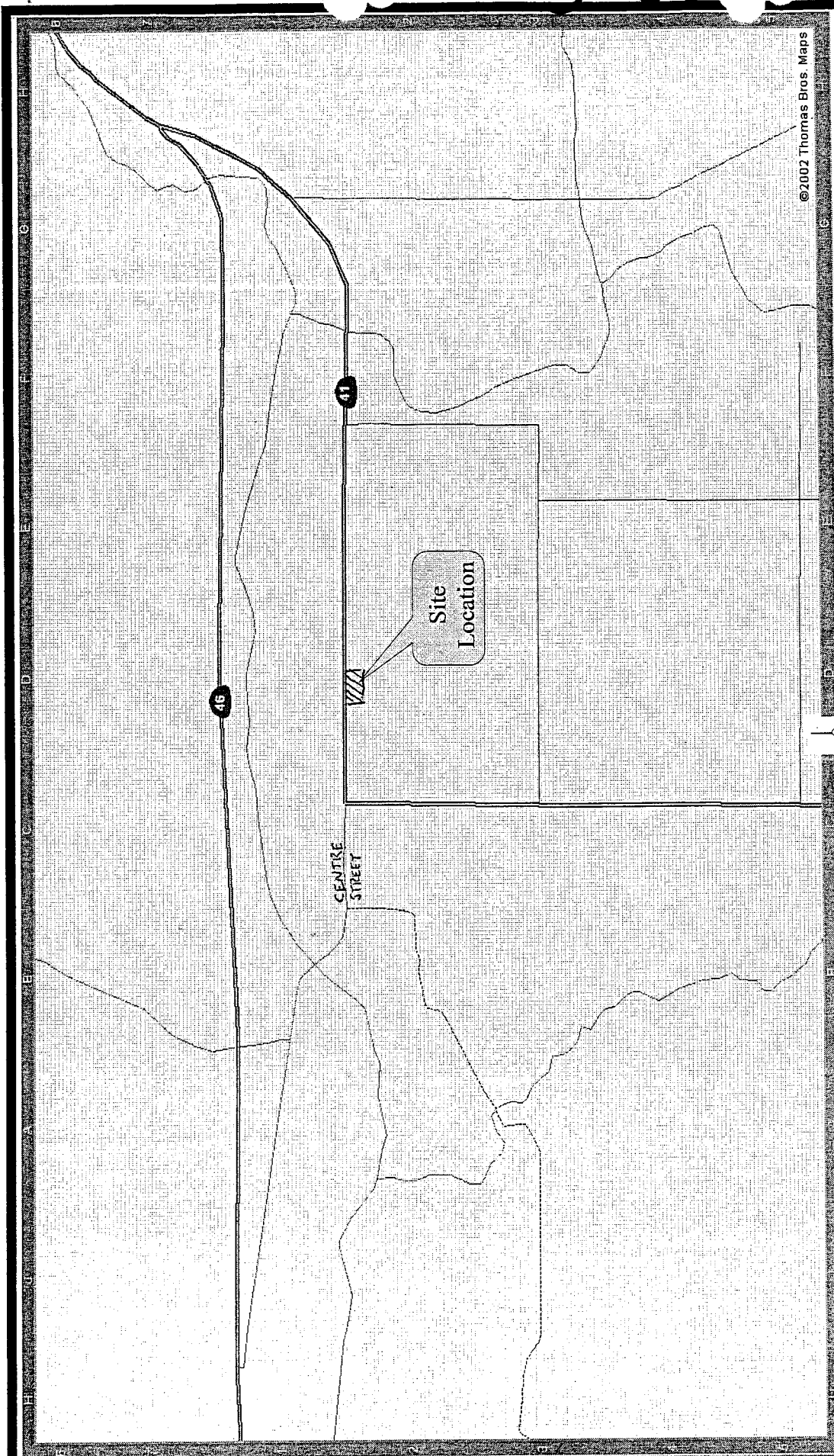
Total Depth 16'

N - STANDARD PENETRATION TEST RESISTANCE  
P - POCKET PENETROMETER RESISTANCE  
T - POCKET TORVANE SHEAR STRENGTH

REMARKS:

Borings were cleaned out with a 6-inch hand auger, and then a 4-inch perf s&d pipe was placed down the center of the boring. 3/8-inch gravel was used to backfill around the pipe to the existing grade. The borings were then presaturated.

LOG OF BORING 04-5157.GPJ MIDCOAST.GDT 4/29/04



**©2003 Thomas Bros. Mans**

**Vicinity Map** N.T.S.

**N.T.S.**

**\*MAP PROVIDED BY THOMAS BROTHERS GUIDE 2002**

**Dave & Kathy O'Brien  
Proposed Single Family Residence  
980 West Centre Street  
Shandon  
California**

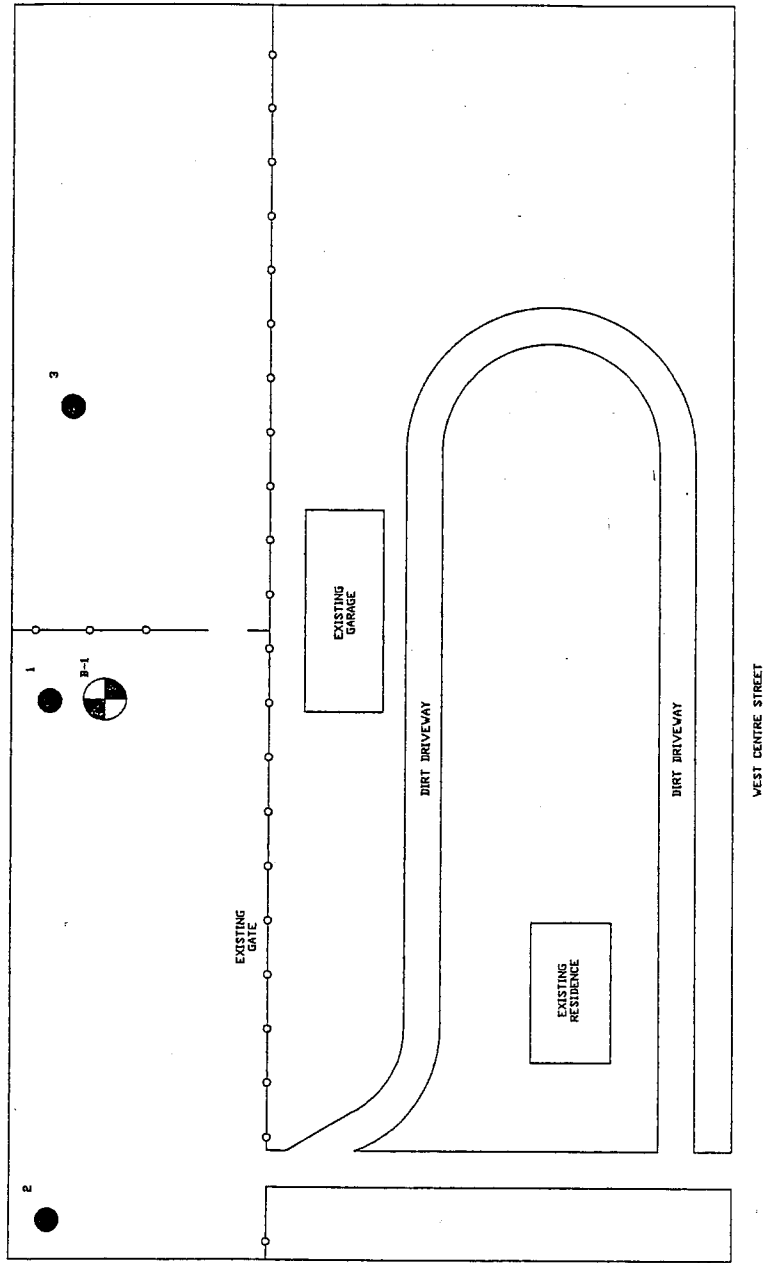
**Date:** 04-29-04

# Plate 1



**MID-COAST  
GEOTECHNICAL, INC.**

553



**Legend**

**N.T.S.**



Exploratory Soils Boring



Percolation Test Pit

\*PLAN PROVIDED BY OTHERS



Dave & Kathy O'Brien  
Proposed Single Family Residence  
980 West Centre Street  
Shandon  
California

Date: 04-29-04

Plate 2



5-59  
County of San Luis Obispo • Public Health Department

RECEIVED

NOV 24 2004

Planning & Bldg

Environmental Health Services

2156 Sierra Way • P.O. Box 1489

San Luis Obispo, California 93406

(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.

County Health Officer  
Public Health Director

November 23, 2004

North Coast Engineering, Inc.  
725 Creston Road, Suite B  
Paso Robles, CA 93446

Curtis A. Batson, R.E.H.S.  
Director

ATTN: LARRY WERNER  
RE: TENTATIVE PARCEL MAP CO 04-0307 (O'BRIEN)

Water Supply

This office is in receipt of a preliminary intent to serve letter from the County Service Area No. 16 (Shandon) to provide water to the above referenced project.

Be advised that a final will serve letter will be required prior to recordation of the final map. Water distribution improvements shall be built to each parcel or construction of the water line improvements may be delayed by way of a county approved performance bond.

Wastewater Disposal

A system is currently located on proposed parcel 1. Soil testing has already been submitted for proposed parcels 2 and 3. Individual wastewater disposal systems, designed and constructed to meet county and state requirements, should adequately serve the parcels.

CO 04-0307 is approved for Health Agency subdivision map processing.

*Laurie A. Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

c: Kami Griffin, County Planning  
North County Team, County Planning  
CSA 16, County, Public Works

5-55



COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** October 21, 2004  
**TO:** Jim Lopes, Planner III  
**FROM:** Lynda L. Auchinachie, Agriculture Department *LLA*  
**SUBJECT:** O'Brien Parcel Map SUB2004-00081 (0959)

**Summary**

The Agriculture Department's review finds that the proposal to subdivide a 1.8-acre parcel into three parcels ranging in size from 20,000 to 38,200 square feet within the Residential Single-Family land use category would result in **less than significant impacts** to agricultural resources.

**A. Project Description and Agricultural Setting**

The applicant is requesting to subdivide a 1.8-acre parcel into three parcels ranging in size from 20,000 to 38,200 square feet within the Residential Single-Family land use category. The project site is located off Highway 41, on the most western edge of the community of Shandon. The properties directly to the west of the project site and north of Highway 41 are zoned for agricultural uses. Each of these properties are not currently supporting production agriculture, however, the soils and configuration of the parcels would support production agriculture. The tentative map included agricultural buffers.

**B. Impacts to Adjacent Agricultural Lands**

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing or potential production agriculture.

The proposed subdivision has been reviewed to determine the need for agricultural buffers or other measures that may be required to reduce impacts to agricultural resources. The Agriculture Department has determined agricultural buffers are not required for this project because of the combination of existing development on the neighboring agricultural properties, Highway 41, and the configuration of the proposed subdivision. Additional mitigation is not required.

If we can be of further assistance, please call 781-5914.



5-56  
**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

56

Planning & Bldg

OCT 13 2004

RECEIVED

DATE: October 8, 2004

TO: North County Team  
County Department of Planning and Building

FROM: Jan Downs Vidalin *JDV*  
San Luis Obispo County Air Pollution Control District

SUBJECT: O'Brien Parcel Map, 980 West Centre Street, Shandon (SUB2004-00081)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 980 West Centre Street in Shandon. The project involves a Parcel Map dividing a 78,490 sq. ft. parcel lot into three parcels ranging in size from 20,000 sq. ft. to 38,230 sq. ft. The project will involve demolition of an existing garage and construction of a driveway. The project is located within the Urban Reserve Line (URL) and is zoned Residential Single Family (RSF). The following are APCD comments that are pertinent to this project.

**GENERAL COMMENTS:**

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. Due to the construction and demolition planned for this site please implement the following measures. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

**CONSTRUCTION PHASE EMISSIONS:**

**Dust Control Measures**

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.



### **Demolition Activities**

The project will require existing structures on the proposed site to be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

### **Developmental Burning**

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

### **OPERATIONAL PHASE EMISSIONS:**

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for operational phase emissions. However, if wood burning devices are installed, District Rule 504 will apply to this project.

### **Residential Wood Combustion**

**Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

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*O'Brien Parcel Map*

*October 8, 2004*

*Page 3 of 3*

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

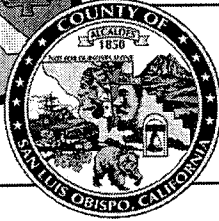
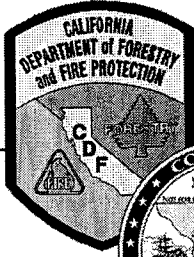
Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AAG/JDV/lmg

cc: Tim Fuhs, APCD Enforcement Division  
Karen Brooks, APCD Enforcement Division

H:\ois\plan\response\2932.doc

Jim Lopes 5-59



## CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

December 15, 2004

County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Subject: Parcel Map Project # SUB2004-00081/SUB2004-00112 (CO 04-0307) - O'Brien

Dear North County team members,

I have reviewed the referral for the parcel map plans for the proposed 3 parcel subdivision project located at 980 West Centre Street near Shandon, CA. This project is located approximately 4 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

### Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
  - Parcels less than 1 acres                      800 feet
  - Parcels 1 acre to 4.99 acres                      1320 feet
  - Parcels 5 acres to 19.99 acres                      2640 feet
  - Parcels 20 acres or larger                      5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.

5-60

- Vertical clearance of 13'6" is required.

### Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.
- *EXCEPTION: Driveways in moderate fire zone only require a 10 foot driveway.*

### Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

### Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

The applicant must ensure that the existing fire hydrant meets CDF/San Luis Obispo County Fire Department standards prior to a clearance letter being granted for final map recordation. All existing structures must comply with fire/life safety standards referenced within this letter.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

  
Clinton I. Bullard  
Fire Inspector

cc: O'Brien, Applicant



561  
County of San Luis Obispo • Public Health Department

**Environmental Health Services**

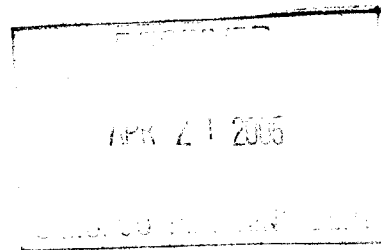
2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

Curtis A. Batson, R.E.H.S.  
Director

April 21, 2005

David & Kathy O'Brien  
P.O. Box 484  
Shandon, CA 93461-0484



**NOTICE OF VIOLATION**

**Re: Improper Storage of a Hazardous Waste located at APN 017,292,024,  
Shandon, CA**

Dear Mr. and Mrs. O'Brien,

I received a complaint referral from the County of San Luis Obispo Department of Planning and Building regarding improper storage of a hazardous material at the above referenced property. I inspected the above referenced property on April 15, 2005, at which time I observed an open and unlabeled 55-gallon drum of oil which has been contaminated with rainwater and has overflowed and impacted the surrounding soil in violation of California Health and Safety Code §25250.4.

You are hereby directed to remove the petroleum impacted soil and have a licensed waste hauler dispose of the oil/water mixture and impacted soil. You must obtain a temporary EPA Identification Number for the waste disposal (see enclosed form). Provide a copy of the waste disposal manifest to this office within 30 days.

Contact me at (805) 781-5557 to arrange for a re-inspection and possible soil sampling.

Sincerely,

Scott Milner  
Environmental Health Specialist III  
Hazardous Materials Section

C: Jim Lopes, County Planning and Building

5-62

COUNTY OF SAN LUIS OBISPO  
ENVIRONMENTAL DIVISION

Last Updated:

**DATE: June 7, 2005**

**REVISED:**

**DEVELOPER'S STATEMENT FOR O'BRIEN PARCEL MAP  
ED04-209 (SUB2004-00081; CO 04-0307)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**MAP CONDITION**

The following mitigation measure addresses impacts that may occur as a result of the initial development of the project:

**Hazards / Hazardous Materials**

BR-1 **Prior to recording the subdivision map**, provide evidence to the county Environmental Health Division and the Department of Planning and Building that the cited petroleum container and soil contamination has been removed from the site and disposed of according to regulations available from the Environmental Health Division.

**Monitoring:** The County Planning and Building Department will verify receipt of clearance by the Environmental Health Division.

**ADDITIONAL MAP SHEET**

Prior to recordation of the final map, the applicant shall prepare an additional map sheet, to be approved by the Director of Planning and Building and recorded with the final map. The additional map sheet shall include the following, which shall apply to future construction on the project site:

**Biological Resources**

**San Joaquin Kit Fox**

**Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon area, the standard mitigation ratio for projects on parcels less than

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40 acres in size has been established as of 4:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of four acres of habitat. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an

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- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:



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- (1) **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - (a) Potential kit fox den: 50 feet
  - (b) Known kit fox den: 100 feet
  - (c) Kit fox pupping den: 150 feet
- (2) All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- (3) If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately

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[O'BRIEN PARCEL MAP, ED04-209, SUB2004-00081, CO 04-0307

DEVELOPER'S STATEMENT

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prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

**BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

**BR-9 Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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[O'BRIEN PARCEL MAP, ED04-209, SUB2004-00081, CO 04-0307  
DEVELOPER'S STATEMENT

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**Monitoring:** The County Planning and Building Department will verify compliance of the additional map sheet prior to recordation of the final map. The County Division of Environmental and Resource Management will verify compliance of the performance of these measures in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

**Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029

**Agreement:**

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

  
Signature of Owner(s)

KATHY O'Brien  
Name (Print)

6/8/05  
Date

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**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3111  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.gov/dist05>



*Flex your power!  
Be energy efficient!*

July 8, 2005

SLO – 41 PM 41.95  
O'Brien 3-Lot Parcel Split  
West Shandon

New Project Referral

Jim Lopes  
San Luis Obispo County  
Department of Planning & Building  
Government Center  
San Luis Obispo, CA 93408

Dear Mr. Lopes

If any proposed project construction activity related to the O'Brien Lot Split includes driveway improvements in State Right of Way (R/W) - such as paving up to State Route (SR) 41, the applicant will need to file for an encroachment permit from the Department. Please contact Mr. Steve Senet (549-3206), Senior Permit Engineer for more information regarding the encroachment permit process. Please also be advised that all work done in the State's R/W will be performed to the Department's Engineering and Environmental Standards and at no cost to the State.

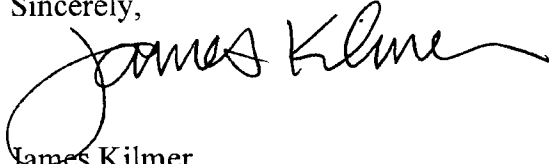
Also, please set as a condition of occupancy the requirement that the project applicant substantiate that the above mentioned proposed project related improvements were completed to Department standards (through a letter of acknowledgement from the Department Permits Office). The wording of this condition should further stipulate that the Department's verification letter will be submitted to the Lead Agency prior to and a precondition of, the issuance of the Certificate of Occupancy.

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Mr. Lopes  
July 8, 2005  
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Thank you for the opportunity to comment on the O'Brien Lot Split. If you have any questions, please contact me at 549-3683

Sincerely,

A handwritten signature in black ink, appearing to read "James Kilmer". The signature is fluid and cursive, with a large loop at the beginning.

James Kilmer  
District 5  
Development Review/CEQA Coordination

c: File, D. Murray, R. Barnes, S. Senet